

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

REBECCA LEA COTTRELL,

Plaintiff,

v.

Civil Action No. 16-3115

NANCY A. BERRYHILL,
Acting Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane L. Tinsley, entered on April 6, 2017; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner,¹ grant the Commissioner's motion to remand, remand this case for further proceedings, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

¹ While Carolyn W. Colvin was the Acting Commissioner of Social Security when plaintiff commenced this action, Nancy Berryhill became the Acting Commissioner on January 23, 2017.

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

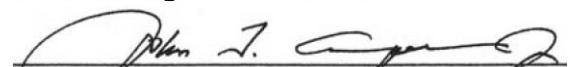
2. Defendant's request for a remand be, and it hereby is, granted;

3. The decision of the Commissioner be, and it hereby is, reversed;

5. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings as set forth in defendant's motion to remand.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: April 26, 2017



John T. Copenhaver, Jr.
United States District Judge